

## UNITED STATES DISTRICT COURT

ORIGINAL

for the

Southern District of New York

DOC #

United States of America )  
 v. )  
 JOSE AYALA )  
 Defendant )

Case No. 16 MAG 7231

## APPEARANCE BOND

## Defendant's Agreement

I, JOSE AYALA (defendant), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

(  ) to appear for court proceedings;  
 (  ) if convicted, to surrender to serve a sentence that the court may impose; or  
 (  ) to comply with all conditions set forth in the Order Setting Conditions of Release.

## Type of Bond

(  ) (1) This is a personal recognizance bond.  
 (  ) (2) This is an unsecured bond of \$ \_\_\_\_\_.  
 (  ) (3) This is a secured bond of \$ 100,000 PRB, secured by:

(  ) (a) \$ \_\_\_\_\_, in cash deposited with the court.

(  ) (b) the agreement of the defendant and each surety to forfeit the following cash or other property  
*(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):*

**SECURED BY \$2,500 CASH OR PROPERTY**

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

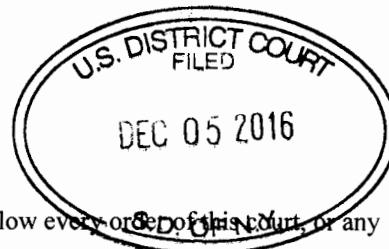
(  ) (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety):*

\_\_\_\_\_  
 \_\_\_\_\_

## Forfeiture or Release of the Bond

*Forfeiture of the Bond.* This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

*Release of the Bond.* The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.



AO 98 (Rev. 12/11) Appearance Bond

**Declarations**

*Ownership of the Property.* I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

*Acceptance.* I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 12/2/16 WP

IVETTE REAPE

Surety/property owner - printed name:

DASTINY REAPE

Surety/property owner - printed name

Surety/property owner - printed name

JOSE AYALA 2130  
IVETTE REAPE 12-02-2016 CLOTONYA  
Surety/property owner - signature and date # 20  
DASTINY REAPE 12/2/2016 10457  
Surety/property owner - signature and date (347) 935-1147  
240 Beidler Avenue, Newark, CT 06880  
347-944-3422 Surety/property owner - signature and date

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

Approved:

Date: \_\_\_\_\_

AUSA: JESSICA FENDER

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Date: 12/5/16


JOSE AYALA

**IVETTE REAPE**

Surety/property owner- printed name:

Surety/property owner – signature and date

**DASTINY REAPE**

Surety/property owner –printed name

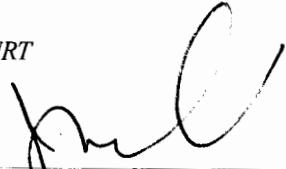
Surety/property owner – signature and date

Surety/property owner – printed name

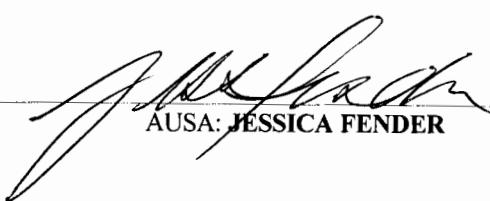
Surety/property owner – signature and da

Date: 12/5/16

CLERK OF COURT


  
Signature of Clerk or Deputy Clerk

Approved.

Date: 12/5/16

  
AUSA: JESSICA FENDER

AO 98 (Rev. 12/11) Appearance Bond

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Date: 12/11/16IVETTE REAPE

Surety/property owner - printed name

DASTINY REAPE

Surety/property owner - printed name

Surety/property owner - printed name

JOSE AYALA

2130

(10 to 14)

# 20

A/C

B1 A/4

10457

1147

246 Beiden Avenue, Newark, CT 06850

347-944-2422

Surety/property owner - signature and date

Date: \_\_\_\_\_

Signature of Clerk or Deputy Clerk

Approved.

Date: 12/5/14

AUSA: JESSICA FENDER

AO 98 (Rev. 12/11) Appearance Bond

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Date: \_\_\_\_\_

**JOSE AYALA**

**IVETTE REAPE**

Surety/property owner - printed name:

**DASTINY REAPE**

Surety/property owner - printed name

Surety/property owner - printed name

Surety/property owner - signature and date

*Dastiny Reape* 12/2/2016

Surety/property owner - signature and date

210 Belden Avenue, Norwalk, CT 06850  
347-944-3422

Surety/property owner - signature and date

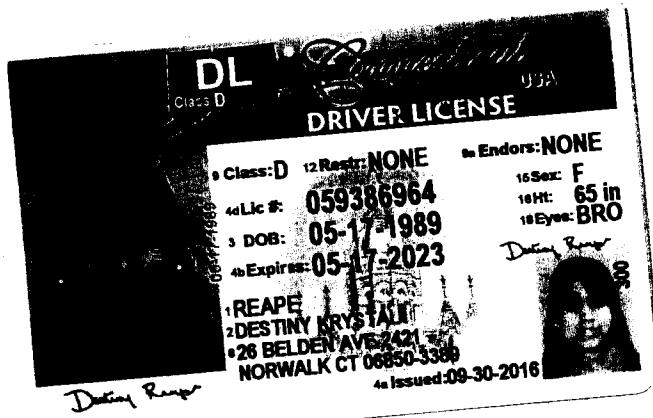
Date: \_\_\_\_\_

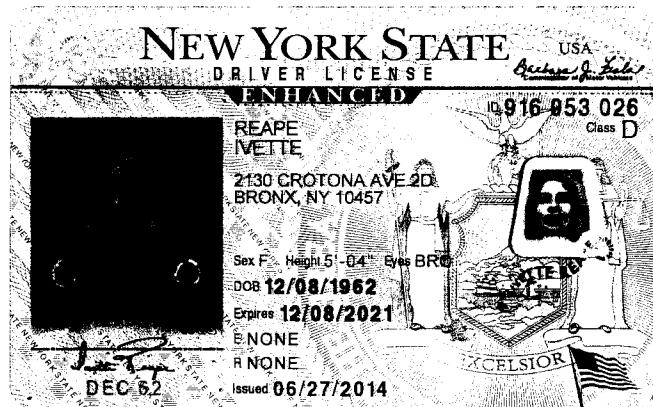
Signature of Clerk or Deputy Clerk

Approved.

Date: 12/5/16

*Jessica Fender*  
AUSA: JESSICA FENDER





AO 98 (Rev. 12/11) Appearance Bond

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Date: \_\_\_\_\_

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Surety/property owner - printed name:

**DASTINY REAPE**

Surety/property owner - printed name

Surety/property owner - printed name

Surety/property owner - signature and date

**Destiny Reape 12/2/2016**

Surety/property owner - signature and date

**240 Baldwin Avenue, Newark, CT OldSO  
347-944-3422**

Surety/property owner - signature and date

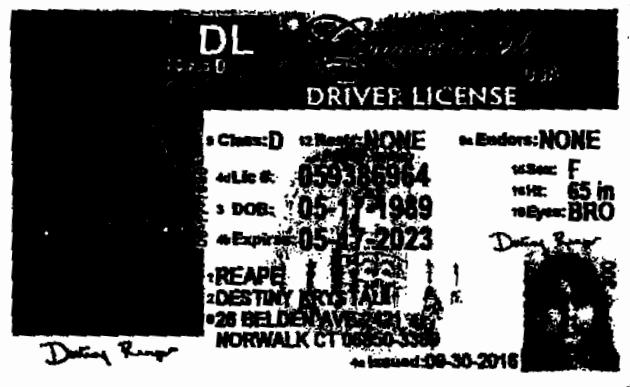
Date: \_\_\_\_\_

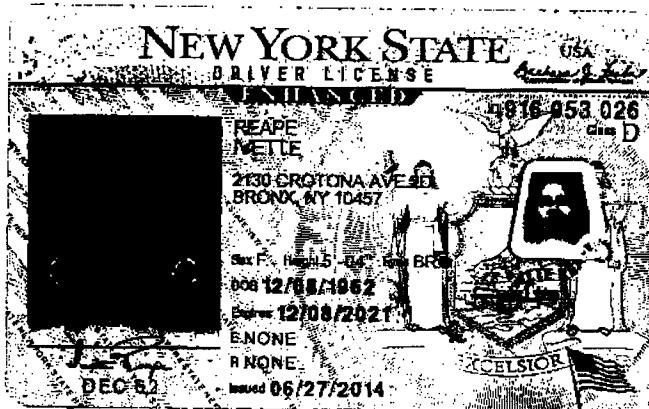
Signature of Clerk or Deputy Clerk

Approved

Date: \_\_\_\_\_

**AUSA: JESSICA FENDER**





UNITED STATES DISTRICT COURT  
for the

Southern District of New York

United States of America )  
v. )  
 )  
JOSE AYALA ) Case No. 16 MAG 7231  
Defendant )

**ORDER SETTING CONDITIONS OF RELEASE**

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: \_\_\_\_\_

*Place*

on \_\_\_\_\_

*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

**ADDITIONAL CONDITIONS OF RELEASE**

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

( ) (6) The defendant is placed in the custody of:

Person or organization \_\_\_\_\_

Address (only if above is an organization) \_\_\_\_\_

City and state \_\_\_\_\_

Tel. No. \_\_\_\_\_

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: \_\_\_\_\_

Custodian \_\_\_\_\_

Date \_\_\_\_\_

( X ) (7) The defendant must:

( X ) (a) submit to supervision by and report for supervision to the telephone number \_\_\_\_\_, no later than \_\_\_\_\_

**STRICT PRETRIAL SUPERVISION** \_\_\_\_\_

( ) (b) continue or actively seek employment.

( ) (c) continue or start an education program.

( X ) (d) surrender any passport to: **PSA (& NO NEW APPLICATIONS)** \_\_\_\_\_

( X ) (e) not obtain a passport or other international travel document.

( X ) (f) abide by the following restrictions on personal association, residence, or travel: **SDNY/EDNY** \_\_\_\_\_

( ) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: \_\_\_\_\_

( ) (h) get medical or psychiatric treatment: \_\_\_\_\_

( ) (i) return to custody each \_\_\_\_\_ at \_\_\_\_\_ o'clock after being released at \_\_\_\_\_ o'clock for employment, schooling, or the following purposes: \_\_\_\_\_

( ) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

( ) (k) not possess a firearm, destructive device, or other weapon.

( ) (l) not use alcohol ( ) at all ( ) excessively.

( ) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical medical practitioner.

( ) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

( ) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

( X ) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

( X ) (i) **Curfew.** You are restricted to your residence every day ( ) from \_\_\_\_\_ to \_\_\_\_\_, or ( ) as directed by the pretrial services office or supervising officer; or( X ) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or( ) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

( ) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

( ) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

( ) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

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ADDITIONAL CONDITIONS OF RELEASE

\$100,000 PRB TO BE CO-SIGNED BY 2 FINANCIALLY RESPONSIBLE PERSONS; SECURED BY \$2,500 CASH OR PROPERTY; TRAVEL LIMITED TO SDNY/EDNY; SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS); STRICT PRETRIAL SUPERVISION; HOME DETENTION; CURFEW; ELECTRONIC MONITORING; DEFT TO CONTINUE OR SEEK EMPLOYMENT; DEFT TO BE DETAINED UNTIL ALL CONDITIONS ARE MET; DEFT IS PERMITTED TO CONTINUE HIS EMPLOYMENT, SUBJECT TO CURFEW TO BE SET BY PTS; DEFT MAY MEET WITH COUNSEL, MUST ATTEND ALL COURT PROCEEDINGS, AND

(s) CAN LEAVE FOR MEDICAL EMERGENCIES, BUT MUST OTHERWISE NOT LEAVE HIS RESIDENCE

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## ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

*Jose Ayala*

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

*16 MAG 7231  
145/16*

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

## Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

## DEFENDANT RELEASED

*[Signature]*  
Defendant's Signature:

City and State

## Directions to the United States Marshal

The defendant is ORDERED released after processing.

The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: \_\_\_\_\_

*[Signature]*  
Judicial Officer's Signature

Printed name and title

**Scuthern District of New York**



**The Bronx**  
**Manhattan**  
**Westchester**  
**Rockland**  
**Dutchess**  
**Orange**  
**Putnam**  
**Sullivan**

**Eastern District of New York**

**Brooklyn (Kings County)**  
**Queens (Queens County)**  
**Staten Island (Richmond County)**  
**Long Island (Nassau & Suffolk)**

**Suffolk**

DOCKET No. 16 MAG 7231DEFENDANT Josa AyalaAUSA Jessica Fender INTERPRETER NEEDEDDEF.'S COUNSEL Angus James Bell  
 RETAINED  FEDERAL DEFENDERS  CJA  PRESENTMENT ONLY DEFENDANT WAIVES PRETRIAL REPORT Rule 5  Rule 9  Rule 5(c)(3)  Detention Hrg.DATE OF ARREST 11/29/16 VOL. SURR.TIME OF ARREST 9 am ON WRIT Other: \_\_\_\_\_TIME OF PRESENTMENT 345 pm DETENTION ON CONSENT W/O PREJUDICE**DISTRICT COURT**  SEE SEP. ORDER  
 DETENTION: RISK OF FIGHT/DANGER  SEE TRANSCRIPT DETENTION HEARING SCHEDULED FOR: \_\_\_\_\_ AGREED CONDITIONS OF RELEASE DEF. RELEASED ON OWN RECOGNIZANCE \$100,000 PRB  2 FRP SECURED BY \$2500 CASH/PROPERTY: \_\_\_\_\_NOV 29 2016 TRAVEL RESTRICTED TO SDNY/EDNY/**S.D. OF N.Y.** TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS) PRETRIAL SUPERVISION:  REGULAR  STRICT  AS DIRECTED BY PRETRIAL SERVICES DRUG TESTING/TREATMT AS DIRECTED BY PTS  MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS  
 DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT HOME INCARCERATION  HOME DETENTION  CURFEW  ELECTRONIC MONITORING  GPS  
 DEF. TO PAY ALL OR PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR]  DEF. TO CONTINUE OR START EDUCATION PROGRAM  
 DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON**DOC #** 15 DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: \_\_\_\_\_; REMAINING CONDITIONS TO BE MET BY: \_\_\_\_\_**ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:**

Defendant is permitted to continue his employment, subject to curfew to be set by PTS. Defendant may meet with counsel, must attend all court proceedings, and can leave for medical emergencies but must otherwise not leave his residence.

 DEF. ARRAIGNED; PLEADS NOT GUILTY CONFERENCE BEFORE D.J. ON \_\_\_\_\_ DEF. WAIVES INDICTMENT SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL \_\_\_\_\_**For Rule 5(c)(3) Cases:** IDENTITY HEARING WAIVED DEFENDANT TO BE REMOVED PRELIMINARY HEARING IN SDNY WAIVED CONTROL DATE FOR REMOVAL: \_\_\_\_\_PRELIMINARY HEARING DATE: 12/29/16 ON DEFENDANT'S CONSENTDATE: 11/29/2016**UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.**

Court Name: DISTRICT COURT  
Division: 1  
Receipt Number: 421-0110-21  
Cashier: 1101 Cleggsey  
Transaction Date: 11/08/2016  
Player Name: ELIJAH BROWN ATHLETIC

TRANSACTION RECEIVED  
from JUDGE NIMK  
Date/Entry: 11-08-16-11-08/2016-11-08-16-  
Amount: \$2,000.00

Other  
Not rendered: \$2,000.00  
Total Due: \$2,000.00  
Total rendered: \$2,000.00  
Change Due: \$0.00

11-08-16-14871